4.8 As shown certified records on file, obtained from the California Secretary of State Bruce McPherson: Initial Articles of Incorporation C0347317 clearly show that Valley Presbyterian Hospital – Olmstead Memorial was created 10/01/1948 by H. Morgan Galbreth, C. Harold Hopkins and Charles E. McDowell. Amendment of 02/18/1957 does **not contain signatures of members entitles to vote** and signed by **self elected** President Martin E. Pollard and Secretary Stuart Bankhardt. **Referred place for signatures of members entitles to vote** are **empty**, therefore Amendment of 02/18/1957 – is not legitimate amendment. Followed other three amendments of 09/17/1962, 02/13/1967 and 01/20/1982 also not contain signatures of elected members, therefore also not legitimate. **There no any records that Mr. Robert C. Bills has been ever elected as CEO** and **Mr. Stuart M Solomon has been ever elected as Secretary**, so Statements of Information filed 02/16/2005 and 08/26/2002 with California Secretary of State – are **false** and actions **Mr. Robert C. Bills** and **Mr. Stuart M Solomon** exactly match definition of **felony under Sec. 2254 California Corporation Code** [16].

5. DIRECT ARGUMENT.

5.1 District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 were **terminated without due process of Law: without Judicial dispositions**. There is no even evidence that District or Appeals Court disagree with this: they just quietly continue to force army of Clerk's Deputies to falsify judicial record. Judges just remain silence.

[16] Sec. 2254 California Corporation Code. **Every director, officer or agent of any corporation**, domestic or foreign, is **guilty of a felony** (a) **who knowingly concurs in making, publishing or posting** either generally or privately to the shareholders or other persons (1) **any written report, exhibit, statement** of its affairs or pecuniary condition or notice **containing any material statement which is false**...

5.1 Falsification of judicial record started 09/16/04 by Deputy Clerk Brent Pacillas who has issued false Notice of Deficiency respectively to the **Default, which occurred in the District Court Case CV04-7066RSWL at 00:00 am 9/15/04**: "The **Clerk cannot enter requested Default** of Valley Presbyterian Hospital for the following reason(s): Request to enter **Default and Motion to Dismiss were both filed on 9/15/04**. **Request for default** was **filed at 10:34 am** and **motion to dismiss** was **filed at 3:41 pm**." Where is deficiency of default? Why the Clerk cannot enter Default? The default is occurred and must be entered. Neither District, nor Appeals or Supreme Courts have discretion to decide whether or not Rules 55(a) & 12(a)(1)(A) FRCP should be executed. This is the Law. Court does not have power to change the Law or create a new one. According to Section 1 Article I US Constitution: "**All legislative Powers herein granted shall be vested in a in a Congress**..." Court – is not Congress. According to Canon 2(A) **Code of Conduct for United States Judges**: "A **judge should respect and comply with the law**". Clause 2 Article VI of US Constitution clear states: "**Judges** *in every State shall* **be bound thereby**, **any Thing in the Constitution or Laws** *of any State to the* **Contrary notwithstanding**... ...*all executive and* **judicial Officers**, both **of the United States** *and of the several States, shall be* **bound by Oath or Affirmation, to support this Constitution**".

5.2 As already shown in undersigned petition, falsification of Default committed with participation of **Kent Alan Halkett**, who represented himself as employee of dead people acting on behalf of falsely personalized management of Valley Presbyterian Hospital. Therefore, **all filing** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and Appeals 05-55145, 05-55404 & 05-55780 filed by illegal corporation Valley Presbyterian Hospital **must be stricken as illegal filing**.

5.3 Do not be so naïve to believe that Deputy Clerk together with attorney can obstruct justice themselves and without judicial support. All obstructions of justice directed by Court. Transcript of hearing of 10/25/04 by Court Reporter SHERI S. KLEEGER demonstrates that: "THE COURT: *Any further argument for the movant?* MR. HALKETT: *Only to the extent if Your Honor is inclined not to grant the motion, I would like to address whatever issues the Court has. Otherwise, I'm fine with the papers submitted including the reply brief.* THE COURT: *How can a lawyer make that kind of conditional statement to the Court? What kind of response do you want me to give you?* MR. HALKETT: *Nothing, Your Honor.*"

5.4 District Court has **failed explain why "The Clerk cannot enter Default**, which is certainly occurred. Transcript of hearing of 10/25/04 by Court Reporter SHERI S. KLEEGER demonstrates that: "Mr. LEONICHEV: *The motion has been moved by the person who has not been an attorney, at the time when the motion was moved. He was assigned an attorney just the next day. And this is the first. The second, I still have not received final decision about – regarding deficiency.*" **COURT**: *...I have read your papers. It's garbled. The complaint is garbled and unclear. I will tell you this: I'm not going to ask you to respond either Mrs. Leonichev. I read the papers in this case.* ***I'm going to grant the motion...***"

5.5 Which motion Court has promised to grant? – Defendant's motion to dismiss case, because Mr. Kent A Halkett and Judge Ronald S.W. Lew, who with prestigious University education and after huge Law experience still unable to understand following: "*Viktoriya Leonicheva... ...has been fired on April 16, 2004 in Respond for Preliminary Report of 03/17/04, which states, that Viktoriya Leonicheva is Qualified Injured Worker with musculoskeletal injury and may not return to her job. ...Viktoriya has been fired on the Fifteenth Day after*

04/02/04, when her Employer has received Victim's new Claim Form of 04/02/04 regarding Secondary Consequences of Chemical Exposure. Medical Exams... ...discovered undesired Consequences for Viktoriya's Health after Hazardous Exposure...: Chronic fatigue immune deficiency, Coagulopathy petechiae on skin, Reactive airway disease, Toxic leukoencephalopathy *(supported by neurological antibodies), Elevated myelin & neurotransmitter antibodies, Prohibition for Pregnancy at this time. Viktoriya's lab test (solvent panel) indicates (by extrapolation) following levels of hazardous chemicals in Viktoriya's body at the time of exposure: Hippuric Acid (toluene metabolite) – 4.8; Phenol (benzene metabolite) – 88mg/L; Acetone – 4 mg/L."*(citations from Plaintiffs' Complaint Case CV04-7066). "**I have read your papers. It's garbled. The complaint is garbled and unclear**" – told Hon. Ronald S.W. Lew to the Plaintiffs.

5.6 As already shown in undersigned Petition, District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 must be reopened because **terminated without due process of Law: without Judicial dispositions**. **VERY SINGLE** defendant, who has appeared in all mentioned above cases – is illegal corporation Valley Presbyterian Hospital, who represented by **illegally acting partnership** "Musick, Peeler & Garrett LLP" and therefore **all papers, filed by defendant Valley Presbyterian Hospital** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-55780 – **must be annulled as illegal**. Default occurred against Defendants must be entered.

6. PRAY FOR RELIEF.

6.1 Petitioners pray before Supreme Court to Reopen Civil District Court Cases CV04-7066; CV04-10373 & CV05-725 and three Appeals 05-55145, 05-55404 & 05-

55780 as **terminated without due process of Law: without Judicial dispositions**.

6.2 Petitioners pray before Supreme Court to **annul all filing** in District Court Cases CV04-7066; CV04-10373 & CV05-725 and Appeals 05-55145, 05-55404 & 05-55780 **filed by very single falsely appeared Defendant – illegal corporation Valley Presbyterian Hospital**, who represented by **illegally acting partnership** "Musick, Peeler & Garrett LLP"

6.3 Petitioners pray before Supreme Court to Enter Defendant Defaults:

a) CV04-7066RSWL – Default, which occurred at 00:00am on 09/15/04 against Defendant Valley Presbyterian Hospital;
b) CV04-10373SJO – Default, which occurred at 00:00am on 01/12/05 against Defendant Valley Presbyterian Hospital;
c) CV05-725GPS – Default, which occurred at 00:00am on 04/10/05 against Defendant Valley Presbyterian Hospital.

7. DECLARATION

Undersigned Petition does not exceed 30 (thirty) pages.

We, undersigned Petitioners Alexey Leonichev & Victoria Leonichev declare under penalty of perjury under the Laws of the United States that the facts in undersign Petition are true and correct to the best of our knowledge.

Victoria Leonichev, **Petitioner**

Alexey Leonichev, **Petitioner**

01/21/2006

Appendix

1. Unsigned Memorandum for appeal 05-55145

FILED
Dec 21 2005
Cathy A. Catterson, Clerk U.S. Court Of Appeals

Not For Publication
United States Court Of Appeals
For The Ninth Circuit

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, Defendant - Appellee.	No. 05-55145 D.C.No.CV-04-07066RSWL MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Ronald S.W. Lew, District Judge, Presiding
Submitted December 5, 2005**

Before: SILVERMAN, W. FLETCHER, and BEA, Circuit Judges.

Alexey and Victoria Leonichev appeal pro se the district court's order dismissing their action against Mrs. Leonichev's former employer, Valley Presbyterian Hospital. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion a dismissal for failure to follow a court order. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), and we affirm. The district court did not abuse its discretion in dismissing Appellants' action for failure to file a timely amended complaint. *See id.* at 1260-62. The record demonstrates that the district court described in detail the complaint's inadequacies and warned Appellants that failure to file an amended complaint would result in dismissal. *See Edwards v. Marin*

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Park, Inc., 356 F.3d 1058, 1064- 65 (9th Cir. 2004)
"The failure of the plaintiff eventually to respond to the court's ultimatum--either by amending the complaint or by indicating to the court that it will not do so--is properly met with the sanction of a Rule 41(b) dismissal.").
Appellants' remaining contentions lack merit. We grant Appellee's request for judicial notice. We deny all pending requests for costs and attorney's fees, without prejudice to the filing of such motions in accordance with Fed. R. App. P. 38 and Ninth Circuit Rule 39-1.
All other pending motions are denied.
The docket shall reflect Appellants' new names.
AFFIRMED.

2. Unsigned Judgment for appeal 05-55145

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, Defendant - Appellee.	No. 05-55145 D.C.No.CV-04-07066RSWL **JUDGMENT**

Appeal from the United States District Court for the Central District of California, Los Angeles

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted. On Consideration whereof, it is now here ordered and adjudged by this Court, that judgment of the said District Court in this cause be, and hereby is AFFIRMED

Filed and entered 12/21/05

3. Unsigned Memorandum for appeal 05-55404

FILED
Dec 21 2005
Cathy A. Catterson, Clerk U.S. Court Of Appeals

Not For Publication
United States Court Of Appeals
For The Ninth Circuit

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al.,Defendants - Appellees.	No. 05-55404 D.C.No.CV-04-10373-SJO MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
S. James Otero, District Judge, Presiding
Submitted December 5, 2005**

Before: SILVERMAN, W. FLETCHER, and BEA, Circuit Judges.

Alexey and Victoria Leonichev appeal pro se the district court's order dismissing for failure to state a claim their action alleging obstruction of justice in the course of their prior action against Valley Presbyterian Hospital. We have jurisdiction pursuant to 28 U.S.C. § 1291. After de novo review, *Navarro v. Block*, 250 F.3d 729, 731 (9th Cir. 2001), we affirm.

The district court properly dismissed Appellants' action brought under 18 U.S.C. § 241 and other criminal statutes that do not provide for civil liability. *See Aldabe v. Aldabe*,

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* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

616 F.2d 1089, 1092 (9th Cir. 1980). The district court therefore properly concluded that amendment would be futile. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir. 1997). We reject Appellants' contention that Judge Otero lacked the authority to dismiss their action because they had filed a motion to disqualify him. Judge Otero did not rule on the motion to dismiss until after Judge Cooper determined that the disqualification motion was meritless in her January 10, 2005 order. *See* 28 U.S.C. § 144 (describing proper bases for disqualifying a judge); *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986) (prejudice warranting disqualification must derive from an extrajudicial source; a judge's prior adverse rulings are not sufficient cause for disqualification). appellants' remaining contentions also lack merit. We deny all pending motions. The docket shall reflect Appellants' new names.
AFFIRMED.

4. Unsigned Judgment for appeal 05-55404

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al.,Defendants - Appellees.	No. 05-55404 D.C.No.CV-04-10373-SJO JUDGMENT

Appeal from the United States District Court for the Central District of California, Los Angeles

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted. On Consideration whereof, it is now here ordered and adjudged by this Court, that judgment of the said District Court in this cause be, and hereby is AFFIRMED
Filed and entered 12/21/05

5. Unsigned Memorandum for appeal 05-55780

FILED
Dec 21 2005
Cathy A. Catterson, Clerk U.S. Court Of Appeals

Not For Publication
United States Court Of Appeals
For The Ninth Circuit

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al., Defendants - Appellees and Sherri R. Carter, Clerk of U.S. District Court, Defendant in individual capacity; et al., Defendants.	No. 05-55780 D.C.No.CV-05-00725-GPS MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George P. Schiavelli, District Judge, Presiding
Submitted December 5, 2005**

Before: SILVERMAN, W. FLETCHER, and BEA, Circuit Judges.

Alexey and Victoria Leonichev appeal pro se the district court's order dismissing their action alleging conspiracy and obstruction of justice against Valley Presbyterian Hospital, the district court clerk, and seven district court judges. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo the district court's dismissal, and we may affirm on any basis supported by the record. *Adams v. Johnson*, 355 F.3d1179, 1183 (9th Cir. 2004). The district court properly dismissed Appellants' action because their vague and conclusory allegations are based

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed.R.App.P. 34(a)(2).

on 18 U.S.C. § 241 and other criminal statutes that do not provide for civil liability. *See Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). Even when construed as a claim for civil conspiracy, Appellants' complaint lacks factual specificity. *See Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1039 (9th Cir. 1990). Finally, all of the federal defendants are entitled to absolute judicial immunity for their judicial or quasi-judicial actions. *See Moore v. Brewster*, 96 F.3d 1240, 1244 (9th Cir. 1996). Appellants' remaining contentions lack merit. We grant amicus United States' motion to file late its brief. The clerk shall file the amicus brief received on October 13, 2005. All other pending motions are denied. The docket shall reflect Appellants' new names.

AFFIRMED.

6. Unsigned Judgment for appeal 05-55780

Alexey Leonichev; Victoria Leonichev, Plaintiffs - Appellants, v. Valley Presbyterian Hospital, et al., Defendants - Appellees and Sherri R. Carter, Clerk of U.S. District Court, Defendant in individual capacity; et al., Defendants.	No. 05-55780 D.C.No.CV-05-00725-GPS JUDGMENT

Appeal from the United States District Court for the Central District of California, Los Angeles

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Central District of California, Los Angeles and was duly submitted. On Consideration whereof, it is now here ordered and adjudged by this Court, that judgment of the said District Court in this cause be, and hereby is AFFIRMED

Filed and entered 12/21/05

7. Notice of Deficiency, which does not constitute any deficiency

United States District Court Central District Of California

Oleksiy Leonichev, Viktoriya Leonicheva Plaintiff(s), v. Valley Presbyterian Hospital Defendant(s).	CASE NUMBER CV04-7066 RSWL (ex)
	NOTICE OF DEFICIENCY DEFAUL/DEFAULT JUDGMENT

PLEASE TAKE NOTICE:

The Clerk cannot enter the request **Default** of Valley Presbyterian Hospital for the following reason(s)

X Request to enter default and Motion to Dismiss were both filed on 9/15/04. Request for default was filed at 10:34 a.m. and motion to dismiss was filed at 3:41 p.m.

X Request forwarded to assigned Judge for consideration

X Requesting party shall file a new Request/Application with noted deficiencies corrected **in order to have default reconsidered.**

DOCKETED ON CM
SEP 16 2004
BY (initials) 005

CLERK OF COURT
By Brent Pacillas
(signature) Deputy Clerk

8. Unsigned Order for CV 04-7066 RSWL (Ex)

United States District Court Central Dictrict Of California

Oleksiy Leonichev and Viktoriya Leonicheva, Plaintiffs, v. Valley Presbyterian Hospital, Defendant.

CV 04-7066 RSWL (Ex)

ORDER

On October 25, 2004, a hearing was held before this Court on Defendant's motion to dismiss or, alternatively, request for more definite statement of claims. Having considered all papers and argument in this matter, the Court orders as follows:

As to Plaintiffs' first cause of action for what appears to be a violation of the Occupational Safety and Health Act, the Court finds that Plaintiffs lack standing to assert such a violation as the Secretary of Labor has the sole responsibility to enforce the Act. Accordingly, Defendant's motion to dismiss Plaintiffs' first cause of action is **GRANTED.**

As to Plaintiffs' second cause of action for "musculoskeletal injuries" under the California Labor Code, the Court finds that Plaintiffs' claim is barred by California's Workers' Compensation Act's exclusive remedies provisions. Accordingly, Defendant's motion to dismiss Plaintiffs' second cause of action is **GRANTED.**

As to Plaintiffs' third cause of action for what appears to be a violation of the Emergency Planning and Community Right-to-Know Act, Title 42, United States Code, Section 11001, the Court finds that the claim is barred because Plaintiffs have not provided the sixty days notice of the violation as required by Section 11046 (d) of the statute. Accordingly, Defendant's motion to dismiss Plaintiffs' third cause of action is **GRANTED.**